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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,) No. 2:04-cr-0387-MCE
12 Plaintiff,)
13) STIPULATION TO VACATE TRIAL
14 v.) DATE, RESET DATE FOR STATUS
15 JESUS RODRIGUEZ,) CONFERENCE, AND EXCLUDE
16 Defendant.) TIME UNDER SPEEDY TRIAL ACT
Date: February 20, 2007
Time: 8:30 A.M.
Judge: Hon. Morrison C. England

17 IT IS HEREBY STIPULATED AND AGREED between the defendant, Jesus Rodriguez, and
18 the United States of America, through defense counsel, Bruce Locke and Assistant U.S. Attorney
19 Phillip Talbert, that the trial date set for March 7, 2007 should be vacated and that the Trial
20 Confirmation Hearing currently set for February 20, 2007 at 8:30 a.m., should be reset as the date
21 for a Status Conference concerning further scheduling for this case.

22 This case was set for trial to begin on March 7, 2007 and for a Trial Confirmation Hearing
23 on February 20, 2007. The charges involve the sale of methamphetamine to a government
24 informant. The defense was to be that the government informants entrapped the defendant into
25 selling the drugs to the informant. However, on January 18, 2007 the Government advised defense
26 counsel that it had recently entered into cooperation agreements with two other defendants in a
27 related cases and that those two defendants would testify that they purchased drugs from Mr.
28 Rodriguez prior to the time that he was approached by the Government's informants. This
29 information drastically changes all of the issues for the Defense. As of January 30, 2007, the

1 Defense has not yet received the discovery related to these two new witnesses. Upon receipt of that
2 discovery, the Defense will have to conduct further investigation concerning the new witnesses and
3 their anticipated testimony. That investigation may entail obtaining the phone records of the two
4 new witnesses. After that investigation is completed, the Defense will have to reconsider the
5 alternatives to trial and it may be necessary to enter into negotiations with the Government. For all
6 of these reasons, the Defense could not be ready for trial on March 7, 2007. The Government does
7 not want to pressure the Defense to trial before the Defense is ready, but the Government is
8 interested in moving the case forward at a reasonable pace. For that reason, both the Defense and
9 the Government have agreed to use the date set for the Trial Confirmation Hearing as the date for
10 a Status Conference to see if the Defense will have a better understanding at that date of the time that
11 it needs to properly prepare the case. Both parties anticipate that the Defense will have had an
12 opportunity to review the new discovery by that date.

13 For the foregoing reasons, the parties request that the Court vacate the Trial Date and reset
14 February 20, 2007 at 8:30 a.m., as a Status Conference for further scheduling and also request the
15 Court to exclude time under the Speedy Trial Act from the date this Order is signed to February 20,
16 2007 to allow for defense preparation and because the ends of justice outweigh the best interest of
17 the public and the defendant in a speedy trial. Mr. Talbert has authorized Mr. Locke to sign his
18 name to this Stipulation and Order.

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20 DATED: January 31, 2007

/S/
21 BRUCE LOCKE
Attorney for Mr. Jesus Rodriguez

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1 DATED: January 31, 2007

/S/ BRUCE LOCKE
for PHILLIP TALBERT
Assistant U.S. Attorney

3 IT IS SO ORDERED.

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5 Dated: February 2, 2007


6 MORRISON C. ENGLAND, JR.
7 UNITED STATES DISTRICT JUDGE
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